

Chief Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUAWEI DEVICE CO., LTD., and
HUAWEI DEVICE USA, INC.,

Defendants.

NO. CR19-010RSM

STIPULATED MOTION FOR
TRIAL CONTINUANCE

NOTE ON MOTION CALENDAR:
February 18, 2022

I. Introduction.

IT IS HEREBY REQUESTED by and between the United States of America, by Assistant United States Attorneys Todd Greenberg and Thomas M. Woods, and the defendants, HUAWEI DEVICE CO., LTD., and HUAWEI DEVICE USA, INC., by and through their undersigned attorneys, that the trial date in the above-captioned matter be continued until October 16, 2023, and that the Court enter the proposed Fourth Amended Case Scheduling Order.

II. The Reasons Supporting the Requested Trial Continuance.

In February 2021, at the request of the parties, the Court continued the trial in this matter, set a new trial date of October 17, 2022, and entered the Third Amended Case Scheduling Order. *See* Dkt. 82.

1 For the reasons set forth below, the parties are now requesting that the Court grant
2 this joint request for another one-year continuance of the trial date. As this Court has
3 recognized in its numerous General Orders, the outbreak of the Coronavirus Disease
4 2019 (COVID-19) has had a significant impact in the Western District of Washington
5 and elsewhere throughout the United States and worldwide, including in China. This has
6 had, and will continue to have, a substantial adverse effect on the ability of counsel to
7 prepare for the trial and pretrial litigation in this case. The virus has made it difficult for
8 defense counsel to communicate and coordinate with their clients, many of whom are
9 located in various cities in China. Additionally, the pandemic makes it impossible for the
10 parties to schedule trial preservation depositions, pursuant to Federal Rule of Criminal
11 Procedure 15, of the numerous witnesses who are currently living in China and
12 elsewhere. Due to travel restrictions instituted by the Government of China, among other
13 things, it is not practical to schedule depositions in China and it is similarly impractical
14 for witnesses to travel to a third country for depositions. Similarly, it is not practical at
15 this time for numerous witnesses to engage in international travel to the Western District
16 of Washington for purposes of testifying at a trial and/or pretrial hearings.

17 Furthermore, as this Court has previously noted, this case involves a very large
18 volume of discovery materials and the charges in the Indictment are complex. The
19 complexity of this matter was amplified in February 2020, upon the return of a
20 superseding indictment in the case of *United States of America v. Huawei Technologies*
21 *Co., Ltd., et al.*, CR18-457, in the Eastern District of New York. That indictment
22 contains allegations brought against the same Huawei corporate defendants that are
23 charged in the indictment filed in the Western District of Washington. Moreover, some
24 of the allegations in the superseding indictment filed in the Eastern District of New York
25 are directly related to the charges contained in the indictment filed in the Western District
26 of Washington. The discovery process is currently ongoing in the Eastern District of
27 New York.

1 The parties submit that, given the complexity of the charges contained in the
2 Indictment, and due to the events discussed above, it would be unreasonable to expect
3 adequate preparation for pre-trial proceedings and for the trial itself without a
4 continuance of the trial and pre-trial motions dates. *See* 18 U.S.C. § 3161(h)(7)(B)(ii).

5 For all of the above reasons, in view of the complexity and nature of this
6 prosecution, and the parties' need for additional time to complete pre-trial litigation, this
7 Court may find, pursuant to Title 18, United States Code, Section 3161(h)(7)(A) and (B),
8 that the ends of justice served by continuing the trial in this case outweigh the interest of
9 the public and of the defendants in a more speedy trial, and thus that a continuance is
10 appropriate for the reasons stated above.

11 The undersigned counsel have consulted with the defendant organizations
12 regarding the necessity for a continuance of the trial date, and the defendants
13 acknowledge and agree to the requested continuance for the above stated reasons.

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1 **III. Conclusion.**

2 WHEREFORE, for the reasons set forth herein, the parties to this motion request
3 that the trial date in the above-captioned matter be continued until October 16, 2023, and
4 that the Court enter the proposed Fourth Amended Case Scheduling Order.

5 DATED this 18th day of February, 2022.

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7 Respectfully submitted,

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